

ASSEMBLY BILL

No. 345

Introduced by Assembly Member Vincent

February 11, 1999

An act to amend Section 53201 of the Government Code, relating to local government officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 345, as introduced, Vincent. Local government officers: benefits.

Existing law permits the legislative body of a local agency, as defined, to provide for the continuation of any health and welfare benefits for the benefit of former elective members of the legislative body. However, notwithstanding any other provision of law, those benefits may not be provided to any person first elected to a term of office that begins on or after January 1, 1995, unless the recipient participates on a self-pay basis.

This bill would delete the notwithstanding any other provision of law qualification clause.

This bill would provide that should any of these provisions conflict with the Public Employees' Medical and Hospital Care Act (PEMHCA) and any authorizing or supporting law required for its operation, administration, or any other function, PEMHCA shall prevail over the conflicting action or actions with respect to any local agency employer contracting with the Public Employees' Retirement System (PERS) for health coverage. This bill would require any local agency that contracts with PERS for the purpose of providing health care

benefits for their employees and retirees to be subject to and comply with all provisions applicable to public agencies under PEMHCA and any authorizing or supporting law otherwise required for its operation, administration, or any other function.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53201 of the Government Code
2 is amended to read:

3 53201. (a) The legislative body of a local agency,
4 subject to conditions as may be established by it, may
5 provide for any health and welfare benefits for the
6 benefit of its officers, employees, retired employees, and
7 retired members of the legislative body, as provided in
8 subdivision (b), who elect to accept the benefits and who
9 authorize the local agency to deduct the premiums, dues,
10 or other charges from their compensation, to the extent
11 that the charges are not covered by payments from funds
12 under the jurisdiction of the local agency as permitted by
13 Section 53205.

14 (b) The legislative body of a local agency may also
15 provide for the continuation of any health and welfare
16 benefits for the benefit of former elective members of the
17 legislative body who (1) served in office after January 1,
18 1981, and whose total service at the time of termination
19 is not less than 12 years, or (2) have completed one or
20 more terms of office, but less than 12 years, and who agree
21 to and do pay the full costs of the health and welfare
22 benefits.

23 (c) (1) ~~Notwithstanding any other provision of law, a~~
24 A legislative body of a local agency that provided benefits
25 pursuant to subdivision (b) to former elective members
26 of the legislative body *before* January 1, 1995, shall not
27 provide those benefits to any person first elected to a
28 term of office that begins on or after January 1, 1995,
29 unless the recipient participates on a self-pay basis, as
30 provided in subdivision (b).



(2) A legislative body of a local agency that did not provide benefits pursuant to subdivision (b) to former elective members of the legislative body before January 1, 1994, shall not provide those benefits to former elective members of the legislative body after January 1, 1994, unless the recipients participate on a self-pay basis.

(3) A legislative body of a local agency that provided benefits pursuant to subdivision (b) to former elective members of the legislative body before January 1, 1994, may continue to provide those benefits to those members who received those benefits before January 1, 1994.

(d) The legislative body of a local agency that is a local hospital district may provide for any health and welfare benefits for the benefit of (1) members of its medical staff, employees of the medical staff members, and the dependents of both groups on a self-pay basis; and (2) employees of any entity owned, managed, controlled, or similarly affiliated with, the legislative body of the local hospital district, and their dependents, on a self-pay basis.

(e) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(f) Should any of the provisions of subdivision (a) to (e), inclusive, be in conflict with the Public Employees' Medical and Hospital Care Act (Part 5 (commencing with Section 22751) of Division 5 of Title 2) and any authorizing or supporting law otherwise required for the operation, administration, or any other function of that act, the Public Employees' Medical and Hospital Care Act shall prevail over the conflicting action or actions with respect to any local agency employer contracting with the Public Employees' Retirement System for health coverage.

(g) Any local agency that contracts with the Public Employees' Retirement System for the purpose of providing health care benefits for their employees and retirees, including, but not limited to, elected officials of the contracting public agency, shall be subject to and

1 *comply with all provisions applicable to public agencies*
2 *under the Public Employees' Medical and Hospital Care*
3 *Act and any authorizing or supporting law otherwise*
4 *required for the operation, administration, or any other*
5 *function of that act.*

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